



"The City With a Heart"

Larry Franzella, Mayor  
Irene O'Connell, Vice Mayor  
Rico E. Medina, Councilmember  
Jim Ruane, Councilmember  
Ken Ibarra, Councilmember

## MINUTES

### CITY COUNCIL REGULAR MEETING

March 11, 2008  
7:00 p.m.

1. **CALL TO ORDER: THIS IS TO CERTIFY THAT** The San Bruno City Council met in regular session on January 8, 2008 at the San Bruno Senior Center, 1555 Crystal Springs Road. The meeting was called to order at 7:00 p.m.

**Mayor Franzella** thanked the San Bruno Garden Club for the beautiful flower arrangement.

2. **ROLL CALL/PLEDGE OF ALLEGIANCE:** Presiding was Mayor Franzella with Vice Mayor O'Connell and Councilmembers Ruane, Medina and Ibarra in attendance. Recording by Deputy Clerk Hasha, Transcribing by Clerk Bonner. **Police Chief Telford** led the Pledge of Allegiance.

3. **ANNOUNCEMENTS: Councilmember Medina** reminded everyone Saturday is the Annual Pancake Breakfast in San Bruno City Park at 9:00 a.m. and the Project Pride Annual Easter Egg Hunt will start at 11:00 a.m.

#### 4. PRESENTATIONS:

**Mayor Franzella** Presented a Proclamation to the American Red Cross Bay Area Chapter and the San Mateo County American Red Cross Leadership Council, which was received by Matt Lycett who thanked San Bruno for recognizing the Red Cross.

5. **REVIEW OF AGENDA: Mayor Franzella** moved Item 11 to follow Item 8.

6. **APPROVAL OF MINUTES:** Regular Council Meeting of February 26, 2008, approved as submitted.

7. **CONSENT CALENDAR:** All items listed are considered routine or implement an earlier Council action and may be enacted by one motion; there will be no separate discussion unless requested by a Councilmember, citizen or staff.

- a. **Approve:** Payroll of February 22, 2008.
- b. **Approve:** Accounts Payable of February 19 and 25, 2008.
- c. **Approve:** Out-of-State Travel for Community Development Department Staff to Attend the American Planning Association's National Planning Conference in Las Vegas, Nevada from April 27 – May 1, 2008.

**M/S Medina/Ruane** to approve the consent calendar and passed with all ayes.

#### 8. PUBLIC HEARINGS:

a. Hold Public Hearing, Waive First Reading, and Introduce An Ordinance Amending Sub Section 5.04.030(b)(2)(d) of Chapter 5 (Nuisances Enumerated) of Title 5 (Nuisances) of the San Bruno Municipal Code.

**City Attorney Thompson** gave an overview of the staff report and asked for questions.

**Mayor Franzella** opened the public hearing. No one wished to speak.

**M/S Medina/Ibarra** to close the public hearing and passed with all ayes.

**M/S Ibarra/Medina** to waive the first reading and passed with all ayes.

**Councilmember Ibarra** introduced the ordinance for adoption and passed with a unanimous vote.

b. Hold Public Hearing and Waive First Reading of an Ordinance Amending the San Bruno Redevelopment Plan to Extend Certain Time Limitations Pursuant to Senate Bill 1045.

**Mayor Franzella** recused himself from this item because of a conflict of business dealings within the redevelopment area and turned the meeting over to Vice Mayor O'Connell.

**Housing and Development Manager Sullivan** gave an overview of the staff report and asked for questions.

**Councilmember Medina** asked what is the benefit to the City?

**Housing and Development Manager Sullivan** said the City paid \$47,000 in tax increment to ERAF in 2003. The purpose of this legislation was to offset this payment. By adding one year to tax increment collection, the City will collect one additional year of tax increment. According to the tax increment projects produced at the time the redevelopment plan was adopted in 1999, the tax increment in 2040 would be about 30 million dollars. There is no requirement to make the past due payments. **Councilmember Medina** said it gave better understanding to everyone.

**Vice Mayor O'Connell** asked if 20% would have to be set aside for low income housing and **Housing and Development Manager Sullivan** concurred.

**Vice Mayor O'Connell** opened the public hearing. No one wished to speak.

**M/S Medina/Ruane** to close the public hearing and passed with all ayes.

**M/S Ruane/Ibarra** to waive the first reading and passed with all ayes.

**Councilmember Ruane** introduced the ordinance for adoption and passed with a unanimous vote.

#### **11. REPORT OF COMMISSION, BOARDS & COMMITTEES:** (Moved to Follow 7.)

Receive Annual Report from the Planning Commission.

**Rick Biasotti, Planning Commissioner** reviewed what the Planning Commission has done and what they plan to do in the future.

**Mayor Franzella** thanked the Commission for all they do.

#### **9. CONDUCT OF BUSINESS:**

a. Receive Report and Provide Direction Regarding Amending the Recycling and Diversion of Debris From Construction and Demolition Ordinance to Adjust the Required Deposit and Administrative Fee for Certain Projects.

**Community Development Director Akin** gave an overview of the staff report and asked for questions.

**Councilmember Ibarra** asked how do we ensure compliance? He said he didn't understand how we could take an administrative fee unless staff isn't doing anything to confirm these materials

are going where they are supposed to go. He asked where does one take 134 tons of dirt.

**Community Development Director Aknin** said Treasure Island.

**Councilmember Ibarra** said we couldn't have a building inspector at a construction site all the time and San Bruno Garbage can't always monitor what goes into the dumpsters. He asked how do we know legitimate garbage is going in the right dumpsters? **Community Development Director Aknin** said most transfer stations are providing receipts, which show the amount of weight of the materials brought forward, as well as the amount they plan to recycle from those materials. He said the Planning Department requires those receipts, as part of a recycling and diversion plan they have to submit, which must be faxed within 24 hours with a running spreadsheet to see how they are aiming toward their goals.

**Councilmember Ruane** asked if setting a not to exceed and a flat rate could be adjusted yearly on the master fee schedule? **Community Development Director Aknin** said the administrative fee could; however, if the maximum deposit amount is actually specified within the ordinance itself, the ordinance would need to be amended unless some kind of escalator was placed in the ordinance to raise it a certain percentage annually. **Councilmember Ruane** asked what would trigger an escalator? **Community Development Director Aknin** said it would need to be tied to something that it raises for example, 3% a year. **Councilmember Ruane** said he would like to see it adjusted. **Community Development Director Aknin** said it could be set by resolution.

**Councilmember Medina** asked if this could be reviewed annually, like the master fee schedule? **City Attorney Thompson** said the ordinance could specify the amount be set as a cap and the amount would be set by resolution with the City Council. **Mayor Franzella** asked if this would be set annually as in the master fee schedule or would it be a separate setting of that figure? **City Attorney Thompson** said she believed it could be done annually. **Mayor Franzella** said the Council's concern is it gets adjusted, as it needs to be adjusted and it be annually reviewed. He said if it were part of the Master Fee Schedule it would be reviewed annually.

**Vice Mayor O'Connell**, referencing other cities, asked if they had comments on how easy it is to get compliance on all these things or if there were complaints regarding the fees. **Community Development Director Aknin** said he had not heard complaints. He said some cities have a higher deposit amount if they know the developer hasn't complied in the past.

**Councilmember Ibarra** asked how is the awareness for residential additions? **Community Development Director Aknin** said the smaller projects are more difficult, just the education process. Most small contractors are required to turn in a \$1,000. deposit to ensure they comply.

**Vice Mayor O'Connell** said looking over the comparisons from the other cities, she felt if the City kept the current formula and put a maximum on it and put it in the master fee to be reviewed yearly, it would be the cleanest.

**Mayor Franzella** asked if a figure was needed from Council. **Community Development Director Aknin** said they could look around at several cities and take one that is reasonable. **Mayor Franzella** said it seemed the \$50,000 maximum seemed reasonable and the administrative fee could have a maximum. **Vice Mayor O'Connell** said \$50,000 maximum with a comparable administrative fee and keep the formula we now have.

**Councilmember Ibarra** said he was concerned about the dumping charges on large projects. He said it is a penalty and non-compliance would force the individual to pay. He said if the penalty

isn't high enough, they could make a decision to disregard it. **Mayor Franzella** said if the project is large enough it might be cheaper to forfeit the \$50,000. and not to recycle it. **Councilmember Ibarra** asked staff what those numbers look like. He said we need to anticipate those unique cases that are very and different. **Vice Mayor O'Connell** asked if we should do a maximum up to \$50,000. for construction projects up to x dollars and \$100,000 for projects up to y dollars.

**Councilmember Ibarra** asked if there was a difference between a citizen paying with dollars or bonds? **Community Development Director Aaron** said it is very difficult to collect on bonds.

**Vice Mayor O'Connell** asked if staff wanted to take this back and look at it again? **Community Development Director Akin** said they could come back and recommend a deposit he knows would be effective.

**Councilmember Ibarra** said a happy medium needed to be found and ultimately, the Director should be able to make a discretionary decision.

**Mayor Franzella** suggested a motion should be made for staff to bring back an ordinance which sets limits on both administrative and the actual deposit on the hauling. He also said if it is above the limit, the Community Development Director, at their discretion, be authorized to make a decision with the requirement the City Manager signs off (two people).

**Councilmember Ruane** said we have a situation that works now but there is an unusual situation with Tree Tops. **Community Development Director Akin** said he believed that was something we would see increase because of the lack of parking; underground excavation would be necessary. **Councilmember Ruane** pointed out dirt weighs a lot more than construction material and **Community Development Director Akin** concurred.

**M/S O'Connell/Medina** for staff to bring back an ordinance which sets limits on both administrative and the actual deposit on the hauling. He also said if it is above the limit, the Community Development Director, at their discretion, be authorized to make a decision with the requirement the City Manager signs off (two people) and passed with all ayes.

b. Adopt Resolution Designating the Portion of the San Mateo Countywide North-South Bicycle Route through the City of San Bruno.

**Management Analyst Shannon** gave an overview of the staff report and asked for questions.

**Councilmember Ibarra** said the explanation was clear for a non-bike rider. He said the coalition's main concern was the continuity of signage from South to North. **Management Analyst Shannon** said there is no CGAG consensus; however, in July when the funding becomes available, he hoped this could be worked out.

**Councilmember Medina** commended City staff and the BPC for their physical inspection and commitment.

**Mayor Franzella** recommended signs placed in residential areas not be obtrusive.

**Councilmember Ibarra** introduced the resolution for adoption and passed with a unanimous vote.

c. Accept 2007 Annual Report to the City Council on the San Bruno Housing and Authorize Its Transmittal to State Agencies.

**Housing and Redevelopment Manager Sullivan** reviewed the staff report and asked for questions.

**M/S O'Connell/Ruane** to accept the annual report and passed with all ayes.

Receive Oral Report on Limousines Using Residential Neighborhoods as Staging Areas and Potential Legal Approaches to Address the Impact of this Business Operation in Residential Areas and Provide Direction to Staff.

**Police Chief Telford** gave an overview of the situation.

**City Attorney Thompson** reviewed her analysis of the approaches the City can take. She said she had gone to the Belle Air area earlier in the afternoon as well as visiting the staging area created by the Airport. She suggested three possible avenues, 1) a permit parking system; 2) treat the limos as commercial vehicles and limit the routes they can take through the City; and, 3) treat them as commercial vehicles and limit where they can park in the City. Her thoughts were permit parking would not address the problem.

She said the second avenue she would refer to as the Long Beach model where the approach is to regulate the use of the streets. They use a provision in their municipal code which is very much like ours that says there are truck routes which commercial vehicles are constrained to use. Those vehicles cannot use other routes unless there is a specific exemption that allows them to use those areas; i.e., Federal Express. She said this approach would require just a small amendment to the City's existing code.

The third avenue referred to as the Downey model where there is a commercial vehicle or a vehicle for hire you cannot park within residential areas.

**Mayor Franzella** asked what type of citation authority would the City have on the Long Beach model? He said the Airport had done more than their part to provide an area for the limos and some are complying, others are not. **City Attorney Thompson** said either infractions or administrative citations could be used.

**Councilmember Ruane** asked if cabs have permits? **Police Chief Telford** said yellow cab is the only authorized company to pick up in San Bruno. He said there is not a visible permit on the yellow cab but recently; there has been discussion on adopting visible permits.

**Councilmember Ruane** said the cab company would get a call to come into the City, the limos are more airport related. He asked if the airport could require the limos to park in their lot. **Police Chief Telford** said the Airport has been extremely helpful.

**Councilmember Ibarra** said he always believed there was a restriction on commercial vehicles parking in residential areas; however, this doesn't seem to be true. **City Attorney Thompson** said there is the use of the streets as a truck route and restricting where vehicles can park. Currently there is no restriction on allowing someone to park on the street. **Police Chief Telford** said there is a weight restriction but the limos fall under the weight, as well as a size and a time (72 hours).

**Robert Riechel, 7<sup>th</sup> Avenue** thanked the City for looking into this.

**Mayor Franzella** asked that an amendment to the current ordinance come back for Council's approval. **City Attorney Thompson** confirmed the Long Beach model and it would come back the first meeting in April. **Vice Mayor O'Connell** asked the citation clause be added. **City Attorney Thompson** said there would be some exemptions for people who live in the area.

**Vice Mayor O'Connell** asked if the Police Department could hand out an informative flier on the proposed ordinance. **Police Chief Telford** said the Airport has provided them with a map and they

would inform the drivers the direction the City is heading. **Mayor Franzella** said they should be notified it is coming up the first meeting in April. He said they should know we worked with the City of San Francisco who provided them with a lot and now we are going to the next step to ensure they are not parking in the neighborhood.

**10. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:** None.

**11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:**

Receive Annual Report from the Planning Commission (moved to following Item 8.)

**12. COMMENTS FROM COUNCIL MEMBERS:**

**Vice Mayor O'Connell** reminded everyone of "Faces and Places" of San Bruno. She said pictures could be dropped off at the City Clerk's office or they can be sent digitally to San Bruno's website. She also said "Operation Clean-Sweep" will be May 3. She said the Beautification Task Force would be doing an anti-litter campaign.

**Councilmember Medina** asked for an update on graffiti.

**Councilmember Ibarra** announced the 68<sup>th</sup> annual Posy Parade on Sunday, June 1, "Peace Around the World."

**13. CLOSED SESSION:** (No reportable action from these three items.)

a. Closed Session to Provide Direction to City Attorney Regarding Potential Litigation Pursuant to Cal. Gov't Code Section 54956.9(b)(1).

b. The City Manager as the City's Negotiator Requests a Closed Session Pursuant to Cal. Gov't Code Section 54957.6 Regarding Direction for Labor Negotiations with the San Bruno Management Employees Association.

c. Closed Session for Purposes of Conducting City Manager's Annual Performance Evaluation Cal. Gov't Code Section 54957.

**14. ADJOURNMENT:** There being no further business to transact, the meeting concluded at 8:10 p.m. The next City Council Meeting will be held on March 25, 2008 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road.

Respectfully submitted for approval  
at the regular City Council Meeting of  
March 25, 2008

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Carol Bonner, City Clerk

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Larry Franzella, Mayor